

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD C. SCHOLOFF,

Defendant.

CASE NO. CR20-0153-JCC

ORDER

This matter comes before the Court *sua sponte*. On September 17, 2020, Defendant was charged by indictment with possession of controlled substances with intent to distribute, possession of a firearm in furtherance of a drug trafficking crime, and felon in possession of a firearm. (Dkt. No. 1.) Trial is scheduled for November 30, 2020. (*See* Dkt. No. 9.)

Over the past six months, the COVID-19 pandemic has significantly impacted the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.) Specifically, the pandemic has rendered the Court unable to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. (*See generally id.*) Recently, conditions have improved such that the Court can resume a limited number of in-person criminal jury trials. Chief Judge Martinez has concluded that:

1 [F]or the foreseeable future, it will be possible to proceed with only one in-person
2 criminal jury trial at a time at each of the district's two courthouses. The order in which
3 pending criminal cases will proceed to trial will be determined by the Court in
4 consultation with the Federal Public Defender's Office and the United States Attorney's
5 Office.

6 W.D. Wash. General Order 15-20 (Oct. 2, 2020) at 2.

7 Accordingly, the Court CONTINUES trial to April 5, 2021. Further, the Court FINDS the
8 ends of justice served by continuing trial to this date outweigh Defendant's and the public's
9 interests in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 10 1. The COVID-19 pandemic has rendered the Court unable to obtain an adequate
11 spectrum of jurors to represent a fair cross section of the community, which would
12 likely make proceeding with an earlier trial impossible or, at a minimum, would result
13 in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 14 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
15 Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial
16 would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

17 Accordingly, the Court ORDERS:

- 18 1. Trial in this matter is CONTINUED to April 5, 2021.
- 19 2. The pretrial motions deadline is EXTENDED to February 22, 2021.
- 20 3. All pretrial filings—including trial briefs, motions in limine, proposed voir dire,
21 proposed jury instructions, and proposed verdict forms—must be submitted no later
22 than Monday, March 15, 2021.
- 23 4. The period from the date of this order until April 5, 2021, is an excludable time
24 period under 18 U.S.C. section 3161(h)(7)(A).

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1 DATED this 15th day of October 2020.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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